THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.36284 of 1998

Dated:09-08-2005

Between:

M. Laxman. ..Petitioner.

And

The Industrial Tribunal-cum-

Labour Court, Karimnagar,

and two others.

..Respondents.

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WRIT PETITION NO.36284 of 1998

ORDER:

This writ petition is filed seeking a Certiorari to call for records relating to the award dated 27-01-1995 passed in I.D.No.92 of 1993 on the file of first respondent confirming the order of removal passed by the second respondent and to quash the same being illegal and arbitrary in so far as denial of back wages, continuity of service and fresh appointment are concerned, and consequently to direct the respondents 2 and 3 to grant back wages, continuity of service and reinstatement into service.

The petitioner is working as a Conductor in the respondent-Corporation and he was issued with a charge sheet alleging that he, having collected the requisite fair at stage No.15 itself, failed to issue tickets to 12 passengers, who were travelling from stage No.15 to 19 and failed to close the Tray SR against certain tickets of different denominations. This itself shows that the petitioner was involved in a grave misconduct of not issuing tickets in spite of collecting requisite fair. The charges against the petitioner were proved in full during the enquiry and he was issued a show-cause notice. After submission of explanation, he was removed from service. Aggrieved by the same, he preferred an appeal and the same was rejected. As the appeal was rejected, he filed I.D.No.92 of 1993 before the first respondent, who in fact, took a lenient view of the matter in spite of the fact that the petitioner was dismissed earlier for similar misconduct, and directed fresh appointment of the petitioner.

In view of the above facts and circumstances of the case, I am of the opinion that the first respondent has not committed any error warranting interference under Article 226 of the Constitution of India. Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

The writ petitioner is accordingly dismissed. No costs.

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(C.V. RAMULU, J)

09-08-2005

ghn